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## *State and Uncivil Society in Thailand at the Temple of Preah Vihear*

PUANGTHONG R. PAWAKAPAN
Singapore: Institute of Southeast Asian Studies, 2013, xiv+125p.; bibliography, index.

## *Preah Vihear: A Guide to the Thai-Cambodian Conflict and Its Solutions*

CHARNVIT KASETSIRI, POU SOTHIRAK, and PAVIN CHACHAVALPONGPUN
Bangkok: White Lotus, 2013, xiv+104p.; bibliography, no index.

In recent years, instead of being a place for peace, meditation, contemplation, and prayer, the ancient Khmer temple of Prasat Preah Vihear (Phra Wihan to the Thai) has become an object of political dispute and even military clashes between two ASEAN members: Thailand and Cambodia. The two short books under review are a welcome addition to the growing corpus of literature on the temple dispute which arose after the controversial decision by UNESCO in July 2008 to inscribe Preah Vihear on its World Heritage list. The author of the first volume, Puangthong R. Pawakapan, is Associate Professor in the International Relations Department of Chulalongkorn University's Faculty of Political Science and best qualified to write on this subject as she has in the past conducted extensive research on Thai-Cambodian relations.[1] The main purpose of this well-written booklet, however, is not only to provide a comprehensive overview of the historical background of the conflict, but also to analyze the actions, strategy, and objectives of the campaign of Thailand's People's Alliance for Democracy's (PAD) to exploit the border conflict for its own anti-Thaksin agenda.

The PAD, also known as the Yellow Shirt movement, is seen in *State and Uncivil Society in Thailand* as the stakeholder mainly responsible for sowing the seeds of hatred between Thais and Cambodians and derailing the successful economic and political cooperation between the two countries between 2000–08. The PAD is portrayed as an ultra-nationalist social movement supported by various civic groups and institutions, mainly in the Thai capital Bangkok. In the first of four

1) See, for example, Puangthong (1995).

chapters the author tries to conceptualize the term "uncivil society" as an appropriate characterization of movements such as the PAD whose behavior and ideology run contrary to democratic principles. Puangthong argues that "the exclusion of certain organisations from the definition of civil society is theoretically untenable because all social movements and organisations, even the Ku Klux Klan, claim that their actions are right and legitimate" (p. 9). It is also a matter of fact that the same "civil movement" might be considered a progressive force when fighting communist regimes or other authoritarian dictatorships and viewed as reactionary when opposing a democratically elected government, "even though its confrontational tactics may have been the same all along" (p. 9). The author tries to overcome this contradiction by defining "uncivil society" as a sub-set of "civil society." This argument is not fully convincing as even electoral democracies with a strong civil society are by no means immune to nationalism and may be pressured by public opinion in their respective countries to stage wars against neighboring states. As European history in the nineteenth and twentieth century amply demonstrates, liberal-civic democracies sometimes seem to be less inclined to preserve peace than certain autocratic regimes which appear to be more determined to keep chauvinistic masses at bay.

The chapter entitled "The Post-Cold War Regional Integration" is based on the premise that after the end of Cambodian conflict (Third Indochina War) in 1991, it was economic cooperation and exchange that fostered improved relations between Thailand and her Indochinese neighbors, including Cambodia. The author persuasively argues that Cambodia became an important market and investment area for the Thai economy. The cross-border trade between the two countries grew impressively between 1992 to 2008, with exports from Thailand exceeding imports from Cambodia by a factor of 10. However, it would be a misconception to believe that Cambodia was an economically much weaker neighbor, one remaining largely dependent on the cooperation and assistance of Thailand. In fact, any disruption of trade between Thailand and Cambodia would harm both sides. The anti-Thai riots in Phnom Penh in January 2003, during which the Thai embassy was attacked and destroyed, were thus interpreted as a strong signal that Thai-Cambodian relations still lacked mutual trust and understanding. The burning of the Thai embassy provoked by an inaccurate newspaper report that a famous Thai actress claimed Thai ownership over Angkor was a very serious incident. It highlighted the dark side of Cambodian ultra-nationalism grounded in an inferiority complex of the Khmer vis-à-vis their more powerful Thai and Vietnamese neighbors. Many Khmer feel deeply ashamed by this chauvinistic outburst and were caught by surprise at how quickly the Thai government restored political and economic relations with Cambodia.

The anti-Thai riots of early 2003 did indeed not have a lasting effect on Thai-Cambodian relations as Phnom Penh and Bangkok had embarked on cooperation in many fields, including the Preah Vihear temple issue as Puangthong argues in the third chapter of her book. At the beginning of the last decade Cambodia and Thailand were seriously planning to inscribe the contested temple on the UNESCO World Heritage List. On June 7, 2000, the governments in Phnom Penh and

Bangkok—the latter still under Prime Minister Chuan Leekpai of the Democrat Party—signed a Memorandum of Understanding (MoU) "on the Survey and Demarcation of Land Boundary" which sought to pave the way for a solution of the Preah Vihear dispute and other unresolved border problems. A Joint Boundary Commission was set up for that purpose. From 2002 until 2007 there was an ongoing discussion between the two sides on whether Thailand should give her consent to Cambodia's decision to nominate Prasat Preah Vihear as a Cambodian World Heritage site or whether the temple should be jointly nominated by Thailand and Cambodia. At a meeting in Bangkok on March 25, 2004 a joint committee agreed on a number of basic principles for a resolution that would solve all major problems related to developing the temple of Preah Vihear as a world heritage for humanity. Both sides agreed—at least implicitly—on a joint inscription of Preah Vihear on the UNESCO World Heritage List. A joint nomination made sense since parts of the wider temple complex, such as the Sa Trao pond, are either situated inside the disputed border area or even north of the Annex I Map line (p. 47f.).

Three years later, in talks held in 2007 and early 2008, the Cambodian government flatly rejected the idea of a joint nomination arguing that the temple was under the sole sovereignty of Cambodia and that Thailand should make a separate nomination for archaeological sites in areas under Thai sovereignty. How can this sudden change of mind be interpreted? Why did Hun Sen and Sok Anh decide to pursue no longer the idea of Preah Vihear as a transnational and transborder joint heritage of Cambodia and Thailand? Puangthong speculates that Cambodia's decision "was clearly based on the fact that the temple legally belong to Cambodia" (p. 48). She further speculates that the Cambodians feared a Thai "desire for Cambodian territory, particularly for this cultural site" (p. 49). Such fears are only understandable if we take into consideration the maximalist Cambodian legal standpoint arguing that the International Court of Justice (ICJ) had already determined the location of the boundary in 1962 and that any Thai move to negotiate a boundary line deviating from the line marked on the Annex I Map should be considered as an unjustified claim of Cambodian territory. One may sympathize, even as a Thai scholar, with such a maximalist position which perceives any negotiations with Thailand on the border issue as just an opportunity for the Thai side to "accept reality," in other words, to surrender to the legal position of Cambodia.

Though all Thai governments after 2008, notwithstanding their political orientation, insisted that the MoU of June 2000 did not compromise Thai legal claims on the disputed area in the neighborhood of the Preah Vihear temple, such a chain of arguments was grist for the mill of the nationalist forces in Thailand. The PAD campaign over the Preah Vihear temple dispute is discussed in the fourth and last chapter of Puangthong's book. The author recalls the founding in early 2006 of the PAD as "a coalition of heterogeneous groups with diverse and even conflicting backgrounds and interests" ranging from "a network of grassroots and mass-based civil society organisations" (p. 57) to royalist, conservative, and nationalist groups, united only by the willingness to remove

Prime Minister Thaksin Shinawatra and his supporters from power. Given "Cambodia's firm refusal" (p. 49) of a joint nomination, it is understandable that almost all Thai political actors became suspicious of Hun Sen's ultimate objectives.

The strategy of the PAD network to use the Preah Vihear temple for stirring up nationalist sentiments is also discussed in *Preah Vihear: A Guide to the Thai-Cambodian Conflict and Its Solution* authored by the renowned Thai historian Charnvit Kasetsiri, former rector of Thammasat University, Pou Sothirak, a former Cambodian minister and diplomat, and the Thai political scientist Pavin Chachavalpongpun, now associate professor at Kyoto University's Center for Southeast Asian Studies. The authors argue that the PAD and their allies, the Democrat Party, "rejuvenated the worst aspects of historical relations between Thailand and Cambodia" (p. 26) through the following mechanism: First, the arousal of a sense of irredentist nationalism grounded in the discourse of "lost territories" which were once ceded to French and British colonialism. Second, the Thai taboo of "selling the country" (*khai chat*) was resurrected to demonize their political adversaries as national traitors. Finally, the PAD and their allies "reinvented the image of Cambodians as Thailand's archrivals" (p. 28).

It seems that the main focus of the PAD propaganda was to defend Thai sovereignty over the disputed area of 4.6 square kilometers. If the Cambodian side started to build hotels, markets, police stations, and customs facilities, or even a casino in this zone, it could do so with the backing of the International Community. Moreover, the Samak government was accused of having secretly abandoned Thai sovereignty over Prasat Preah Vihear (including the disputed area) in exchange for economic concessions from the Hun Sen government to the Shinawatra Corporation in the coastal province of Koh Kong in southwestern Cambodia (p. 27). This accusation was put forward by several "insiders" like Kasit Phirom, a former close aide to Thaksin and Thai ambassador to Berlin and Washington. After the demise of the Somchai government in December 2008, Kasit became foreign minister of Abhisit Vejjajiva's Democrat-led coalition government. In his new position he pursued a more pragmatic policy vis-à-vis Cambodia, eventually becoming himself a scapegoat of PAD propaganda.

Although the authors of the two books are in general sympathetic towards the Samak and Somchai governments, Puangthong at least concedes that Samak made a "strategic mistake" when he appointed Nopphadon Patthama, Thaksin's personal lawyer, as foreign minister, given Thaksin's very close relations with Cambodia's Prime Minister Hun Sen (p. 62). Even Thaksin himself admitted, several years later, in a rare interview with the *Bangkok Post* in 2008 that Nopphadon "should not have supported Cambodia's application," concluding that "[f]rankly speaking, Thailand is at a disadvantage in this case."[2)]

2) "Thaksin warns of Thai friction over temple. History of disputed Preah Vihear area is in Cambodia's favour, says former Prime Minister," in *Bangkok Post*, March 11, 2012.

What are the prospects for solving the conflict on Preah Vihear, or Phra Wihan? Charnvit, Sothirak, and Pavin discuss in detail two different approaches towards a solution to the conflict. The bilateral approach would mean that Thailand and Cambodia demarcate their common border through a diplomatic process. Such a bilateral mechanism exists in the form of the above-mentioned Joint Boundary Commission which, however, was unable to complete the demarcation of the 803 kilometer long border between Thailand and Cambodia (p. 58). Fearing Thai military pressure and deeply frustrated because of the inconsistent positions of successive Thai governments over the last decade, Phnom Penh is clearly in favor of a multilateral approach to the border conflict. Against this background it is not surprising that the Cambodian government was tempted to use the registration of Preah Vihear as a UNESCO World Heritage Site to internationalize the conflict with Thailand and thus put pressure on the Thai government to yield to the Cambodian legal viewpoint. In 2011, Phnom Penh invoked the ICJ in The Hague to make a final and binding decision on the border in the vicinity of the Preah Vihear sector.

At the time when the two books under review were published, the ICJ had not yet ruled on the interpretation of the 1962 Judgment at the request of the Cambodian government. Puangthong made the reasonable prediction that a decision in favor of Cambodia, i.e. assigning the whole disputed area of 4.6 square kilometers to Cambodia, would certainly cause a public uproar in Thailand and result in serious border clashes (p. 87). Charnvit *et al.* come to a very similar conclusion (p. 89). Therefore, the court's final decision announced on November 11, 2013 came to the relief of both Cambodia and Thailand as it did not leave a clear winner. The ICJ defined the whole promontory of Preah Vihear as the "vicinity" of the Preah Vihear temple which the 1962 verdict had declared as territory under Cambodian sovereignty. Cambodia can now safely claim roughly one quarter of the disputed area as her territory. The Buddhist temple, Wat Kaeo Sikkhakhirisawara, built shortly after 2000, as well as a nearby settlement inhabited mostly by the families of Cambodian soldiers, as well as a market, now dismantled, are all situated in this relatively small zone immediately to the west of the temple. The road which Phnom Penh built several years ago with Chinese help to link the temple with Cambodian territory also cuts across the promontory and has to be respected by Bangkok as territory under Cambodian sovereignty as well. This certainly satisfies Phnom Penh. However, the larger part of the disputed zone, lying further to the west and including the neighboring hill of Phnom Trap (Thai: Phu Makhüa), was considered by the ICJ as lying "outside the disputed area."[3] Therefore, the Thai government is now entitled to claim almost 3 quarters of the 4.6 square kilometers as territory under Thai sovereignty in any future bilateral negotiations on the delimitation of the border in the neighborhood of Preah Vihear.

It is not yet too late to have Prasat Preah Vihear inscribed as a joint Thai-Cambodian World

3) ICJ, "Request for interpretation of the judgment of 15 June 1962 in the case concerning the temple of Preah Vihear (Cambodia v. Thailand)," November 11, 2013, section 98.

Heritage of Cambodia and Thailand. The UNESCO decision of June 2008 still leaves this option open when stating that it recognizes "that Thailand has repeatedly expressed a desire to participate in a joint nomination of the Temple of Preah Vihear and its surrounding areas" and by considering "further that archaeological research is underway which could result in new significant discoveries that might enable consideration of a possible new transboundary nomination, that would require the consent of both Cambodia and Thailand."[4] The American anthropologist Helaine Silverman, an expert in heritage management and museum theory and practice, strongly supports the idea of a joint Cambodian-Thai management of Preah Vihear as a transborder World Heritage Site. She argues that, given the history of the conflict, UNESCO was adding fuel to the fire by allowing the temple to be inscribed as the sole heritage of only one nation-state. A solution acceptable to both countries in the long run would presuppose that the temple were conferred "a *borderless* status, assisting the two countries to prepare dual access routes to the site with appropriate passport control. The UNESCO flag and the flag of both countries would fly over the site" (Silverman 2011, 15). Given the temple's architecture which shows a clear natural orientation towards the north and given the fact that the easiest and most convenient access to the temple is from the Thai side, a joint management of Preah Vihear still seems the best solution. The German lawyer Dr René Gralla has come forward with an ingenious idea proposing an Andorra-style solution for Preah Vihear. The whole disputed area of slightly less than five square kilometers would be proclaimed as the independent state of "Preah Vihear-Phra Wihan" ruled by two diarchs, namely the King of Cambodia and the King of Thailand, harboring a population of monks and local villagers from both sides of the Thai-Cambodian border, mostly ethnic Kui and Khmer, apart from some Lao and Thai. Such a mini-state could promote tourism, attract foreign investors, and finally become the symbol of eternal friendship between Thailand and Cambodia (Gralla and Grabowsky 2013). A dream? Perhaps, but one that should be tried.

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4) UNESCO convention concerning the protection of the World Cultural and Natural Heritage, World Heritage Committee, Quebec City, Canada, July 2–10, 2008.